

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-3, 5, 9-11, 13 and 17-20 stand rejected under 35 USC 102(e) as allegedly being anticipated by Beaudin et al. This contention is respectfully traversed. It appears that the rejection takes the interpretation that Beaudin et al.'s techniques can be interpreted as being a low power consumption mode. In order to obviate this interpretation, each of the independent claims have been amended to recite that there are a plurality of signal inputs, all of the signal inputs are used to reduce power consumption is not detected, and that some combination, less than all of the plurality of signal inputs, is used when there is a reduced power consumption. This obviates the interpretation that somehow Beaudin et al. teaches a reduced power consumption. As stated in the previous amendment, Specifically, Beaudin et al. teaches a combiner for a multiplicity of diversity signals. The combiner receives strength indicative signals that are indicative of the strengths of the data signals. The signals are then combined in linear proportions. In an embodiment, for example described at the bottom of column 2, only signals that are above a strength threshold are used. Hence, while Beaudin et al.'s system uses

only those signals that are above the strength threshold, and hence only uses some of the signals, this is not done "responsive to the selection of reduced power consumption". Moreover, Beaudin et al. has no full power signal. In fact, everything in Beaudin et al. teaches that the signals are combined whenever they provide more information - power consumption or not. See, for example, column 5 lines 24-50 which states that a signal that is more than 6 dB, for example, below that of other signals is normally ignored, see, also, Beaudin et al. lines 51-52. There is no disclosure of a reduced power consumption selection, as recited by Claim 1.

Moreover, there is no disclosure that the selection of reduced power consumption causes a determination of a plurality of inputs to combine in a combined signal, that is less than all the plurality of signal inputs.

Since Beaudin et al. does not disclose the reduced power consumption, Claim 1 which relies on this reduced power consumption is patentable thereover along with the claims that depend therefrom.

Claim 9 has been amended in a similar way, and should be allowable for analogous reasons along with the claims that depend therefrom. Claim 17 should be similarly allowable for analogous reasons.

Claims 4, 7, 8, 12, 15, 16 and 22 stand rejected under 35 USC 103(a) as being obvious over Beaudin et al. This rejection, apparently, also includes claims 23-25. However, this contention is respectfully traversed. The rejection admits that Beaudin et al. does not expressly disclose five signals, but states that this would be obvious. However, as previously described, the specification describes that greater than five signals often provides no additional benefit. There is nothing in Beaudin et al. that teaches anything about this. Since the five signals provides advantages, it is certainly not obvious based on Beaudin et al. Beaudin et al. teaches not one word about five signal inputs having any specific or special advantage. Therefore, the claims that define five signals, including claims 7 and others, should be allowable for these reasons.

Claims 23 through 25 recite sorting the signals by their signal-to-noise ratio. The rejection states that this is taught by Beaudin et al. However, this contention is respectfully traversed. Beaudin et al. teaches selecting some of the signals based on their signal strengths. However, this has to do only with signal strength level and teaches nothing about signal-to-noise ratio. The strongest of the signals is selected. See, for example, column 3 lines 3-4. The strongest signal may also be the noisiest. Beaudin et al. teaches nothing about signal-

to-noise ratio. The fact that signal-to-noise ratios are extremely well-known teaches nothing about selecting signals in the claimed way.


In addition, Beaudin et al. teaches absolutely nothing about the claimed subject matter that defines sorting according to their signal-to-noise ratios. Beaudin et al. only teaches selecting some signals and not selecting others; it teaches nothing about sorting according to the signal-to-noise ratio.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. No fee is believed to be due, however please apply any outstanding charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 22, 2007

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile

10701251.doc